

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOHN J. SAAVEDRA,**

Plaintiff,

vs.

**No. CIV 98-355 JP/LCS**

**KENNETH S. APFEL, Commissioner  
of the Social Security Administration,**

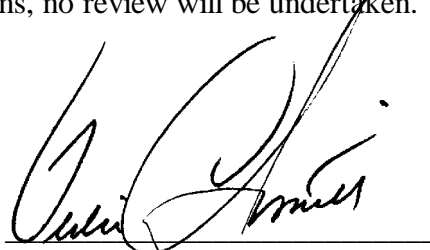
Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court sua sponte. On Nov 13, 1998 the Court Ordered the Plaintiff to file his Motion to Reverse or Remand by January 8, 1999. On January 12, 1999, the Court Ordered the Plaintiff to show cause in writing, within ten days, why the Court should not recommend that this case be dismissed for failure to prosecute.

As of January 26, 1999, Plaintiff has not provided written cause for failing to comply with this Court's November 13, 1998 and January 12, 1999 Orders. Accordingly, I propose finding that Plaintiff does not intend to pursue prosecution of this case, and I recommend that it be dismissed without prejudice.

Within ten days after a party is served with a copy of these Proposed Findings and Recommended Disposition the party may, pursuant to 28 U.S.C. Sec. 636(b)(1)(C), file written objections to them. A party must file its objections within ten days if it desires review by the District Court; in the absence of timely filed objections, no review will be undertaken.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

LESLIE C. SMITH  
UNITED STATES MAGISTRATE JUDGE